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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/056,694	01/24/2002	Stephane Gobron	CL/V-31975A	1035
31781	7590	10/03/2005	EXAMINER	
CIBA VISION CORPORATION PATENT DEPARTMENT 11460 JOHNS CREEK PARKWAY DULUTH, GA 30097-1556			MAYES, MELVIN C	
			ART UNIT	PAPER NUMBER
			1734	

DATE MAILED: 10/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/056,694

Applicant(s)

GOBRON ET AL.

Examiner

Melvin Curtis Mayes

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-34 and 48-55 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,10,13-17,19-24,32-34,48,49 and 51-55 is/are rejected.
- 7) ☒ Claim(s) 2-9,11,12,18,25-31 and 50 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Objections***

(1)

Claims 13 and 14 are objected to because of the following informalities:  $T_g$  and  $T_d$  should be defined as glass transition temperature and degradation temperature. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

(2)

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

(3)

Claims 34 and 55 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 34 and 55 recite the limitation "the step of removing." There is insufficient antecedent basis for this limitation in the claim. A step of removing is not claimed in Claims 1 and 10 from which these claims depend.

***Claim Rejections - 35 USC § 103***

(4)

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

(5)

Claims 1, 10, 13-17, 19-22, 24, 32, 48, 49 and 51-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yang et al. 6,309,568 or Yang et al. '568 in view of Ruhlin 5,100,590.

Yang et al. 6,309,568 discloses a method of making a lens for spectacles (ophthalmic lens) comprising: extruding a thermoplastic copolymer in a sheet-like shape; punching a lens precursor (sample) out of the sheet-like shape; placing the lens precursor on a lower die 17a (mold) of a press machine; and pressing the lens precursor between the lower die and upper die to form a lens having curved face on at least one face. During pressing the resin flows uniformly from the central portion of the dies to the outer side and no weld line is caused. The lens precursor is in a disk-like shape having a diameter of 80 mm and thickness of 5 to 10 mm. The glass transition temperature of the copolymer is 116°C and the copolymer is extruded on a conveyor where the nitrogen gas temperature maintains the copolymer at 100-130°C (between glass transition temperature  $T_g$  and either degradation temperature  $T_d$  or 50°C above flow temperature  $T_f$ ). The prepolymer is injected into the extruding unit by gear pump. The lower die on which the lens precursor is placed is heated to 150°C and the lens is taken out of the press machine after being cooled at least to the glass transition temperature (col. 2-6).

Ruhlin teaches that an ophthalmic lens is made in a mold having upper and lower molding surfaces which are curved.

Providing both of the lower die and upper die with a curved molding surface would have been obvious to one of ordinary skill in the art to form a lens having a curved face on both faces, as disclosed by Yang et al., or as taught by Ruhlin as the shape of upper and lower molds used to form an ophthalmic lens. By using a press in which during pressing the resin flows uniformly from the central portion of the dies to the outer side and no weld line is caused, the dies (mold parts) obviously have sufficiently small clearance such that gas escapes from the mold cavity and none of the polymer escapes, as claimed.

By punching a lens precursor of disk-like shape of diameter  $D$  of about 80 mm and thickness (length  $L$ ) in the range of about 5 to 10 mm, a pellet of  $L/D$  ratio of 0.06-0.125 is formed (overlapping the  $L/D$  ratio of between 0.1 and 10.0, as claimed in Claim 1) and disk of thickness is formed of thickness overlapping the range of between 50 microns and 5 mm, as claimed in Claim 10.

Using an extruder having a closed-loop pressure feedback control system coupled to the pump, as claimed in Claim 16, would have been obvious to one of ordinary skill in the art as a suitable extruder that can be used to extrude the polymer.

(6)

Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yang et al. 6,309,568 or Yang et al. '568 in view of Ruhlin 5,100,590 as applied to claim 22, and further in view of either Yang et al. 6,015,512 or Lefebvre 5,458,820.

Yang et al. teach that mold dies for making thermoplastic optical articles are cleaned in distilled water and dried before use for molding (col. 9, lines 5-6).

Lefebvre teaches that before molding a thermoplastic ophthalmic lens, the molding surfaces are preferably wiped with acetone to degrease them and render them chemically clean (col. 7, lines 1-3).

It would have been obvious to one of ordinary skill in the art to have modified the method of Yang et al. or the references as combined by cleaning the upper and lower dies after molding, as taught by Yang et al. or Lefebvre, to process the dies for reuse for molding lens.

(7)

Claims 34 and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yang et al. 6,309,568 or Yang et al. '568 in view of Ruhlin 5,100,590 as applied to claim 10 and 1, and further in view of Yamanaka et al. 6,099,765.

Yamanaka et al. teach that funnel-shaped holding pad formed of silicon rubber and connected to a vacuum source for holding optical material to the holding pad is used to hold optical material when moving it into and away from the mold apparatus (col. 4, lines 17-25).

It would have been obvious to one of ordinary skill in the art to have modified the method of Yang et al. or the references as combined by using a silicon rubber pad and vacuum to

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separate the lens from the dies, as taught by Yamanaka et al., as known for use to hold optical material when moving it away from the mold apparatus.

***Allowable Subject Matter***

(8)

Claims 2-9, 11, 12, 18, 25-31 and 50 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

(9)

Applicant's arguments with respect to claims 1 and 10 have been considered but are moot in view of the new ground(s) of rejection, applied because of the amendment to the claims.

Claims 9, 10 and 13 originally depended from Claim 3, which was rejected, not objected to, as argued.

Claims 4 and 10 originally depended from Claim 3 which depended from Claim 2. Claims 4 and 10 as amended do not include all of the limitations of original Claims 4 and 10 including the claims from which they depend. Amended Claims 4 and 10 are broader than original Claims 4 and 10, thus necessitating a new ground of rejection.

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***Conclusion***

(10)

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(11)

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

(12)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melvin Curtis Mayes whose telephone number is 571-272-1234.


The examiner can normally be reached on Mon-Fri 7:30 AM - 4:00 PM.



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Fiorilla can be reached on 571-272-1187. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Melvin Curtis Mayes  
Primary Examiner  
Art Unit 1734

MCM  
September 28, 2005